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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/505,419

08/24/2004

Naomi Noda

120881

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25944 7590 07/24/2008

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EXAMINER

NGUYEN, CAM N

ART UNIT

PAPER NUMBER

1793

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/505,419	<b>Applicant(s)</b> NODA ET AL.	
	<b>Examiner</b> Cam N. Nguyen	<b>Art Unit</b> 1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03/26/08 (an election).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) 31-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>as filed</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Election/Restrictions**

1. Applicant's election with traverse of Group I, claims 21-30, in the reply filed on 03/26/08 is acknowledged. The traversal is on the ground(s) that "the subject matter of all claims is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims...." This is not found persuasive because the search required for Group I is not required for Group II, thus if all groups are searched, an additional burden is imposed on the Office due to two different search areas being required.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 21-40 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention(s), there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 03/26/08.

### **Claim Objections**

3. Claims 21-22, 27, & 29 are objected to because of the following informalities:

- A. In claim 21, line 2, "characterized in that alumina is" should be changed to --which comprises alumina--.
- B. In claim 22, line 1, ", wherein," should be changed to --, wherein--.

C. In claim 22, line 3-4, “, and/or an alkali metal and/or an alkaline earth metal” should be deleted because it's too wordy.

D. In claim 27, line 1, “kind” should be changed to --member--.

E. In claim 29, last line, “carrier” (first occurrence) should be changed to --carried--.

Appropriate correction is required.

**Claim Rejections - 35 USC § 102(b)**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

A. Claims 21-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Pak et al., hereinafter referred to as “Pak ‘839”, (US Pat. 5,916,839).

Pak ‘839 discloses a catalyst comprising: a carrier containing a composite of an amount of SiO<sub>2</sub> and alumina, and a amount of alkaline earth metal oxide; an oxygen absorbing material; and at least one noble metal (see col. 6, claim 1). The catalyst is washcoated on a honeycomb structure (see col. 7, claim 13). See also entire reference for further details.

There is no patentable distinction seen between the claimed catalyst and catalyst carrier and that disclosed by Pak. Thus, the claims are anticipated by the teaching of the reference.

B. Claims 21-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyoshi et al., hereinafter referred to as “Miyoshi ‘521”, (US Pat. 6,004,521).

Miyoshi '521 discloses a catalyst which comprises a heat resistant support; a porous layer coated on said heat resistant support; a noble metal catalyst coated on said porous layer; and a NO<sub>x</sub> storage component including at least one member selected from the group consisting of alkaline-earth metals, rare-earth metals, and alkali metals, etc. and loaded on said porous layer; etc. (see col. 11, claim 1, claim 4, & claim 6). The heat resistant support includes at least one member selected from the group consisting of a monolithic support formed of cordierite and a metallic support (see col. 11, claim 2). The porous layer includes at least one member selected from the group consisting of alumina, silica-alumina, etc. (see col. 11, claim 3). See also entire reference for further details.

There is no patentable distinction seen between the claimed catalyst and catalyst carrier and that disclosed by Miyoshi '521. Thus, the claims are anticipated by the teaching of the reference.

#### **Citations**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. All references are cited for related art. See PTO-892 Form prepared.

#### **Conclusion**

6. Claims 21-40 are pending. Claims 21-30 are rejected. Claims 31-40 are withdrawn due to nonelected (distinct) invention(s). No claims are allowed.

**Contacts**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner CAM N. NGUYEN, whose telephone number is 571-272-1357. The examiner can normally be reached on M-F, 9:00 AM - 6:30 PM, at alternative work site.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cam N. Nguyen/

Primary Examiner

Art Unit: 1793

/C. N. N./

July 21, 2008